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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number

10/556,669

Filing Date

April 7, 2004

First Named Inventor

Bressan, Ray

Art Unit

Unknown

Examiner Name

Unknown

Attorney Docket Number

12258-0072

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐

Reply to Missing Parts

under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☒CD, Number of CD(s) 1☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):☐

- Statement Accompanying Sequence Listing

☐

- Written form of Sequence Listing

**Remarks**

CD-ROM is IBM-PC machine format; MS-Windows operating system; ACSII text document containing Sequence Listing of approximately seven (7) pages.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Bose McKinney &amp; Evans, LLP

Signature

Printed name

Michael C. Bartol

Date

January 5, 2007

Reg. No.

44,025

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03-07-08

PCT

030708



17224 U.S. PTO

BOSE McKINNEY &amp; EVANS LLP

CUSTOMER NUMBER 25267

2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, Indiana 46204  
(317) 684-5000PATENT APPLICATION*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant:	Bressan, Ray A.	}	Group:	Unknown
Invention:	METHODS AND COMPOSITIONS TO INCREASE PLANT RESISTANCE TO STRESS	}	Examiner:	Unknown
Serial No.:	10/556,669	}	Atty. Docket:	12258-0072
Filed:	April 7, 2004	}	Confirmation No.	8560
Int'l App. No.:	PCT/US04/010599	}	Priority Date:	April 9, 2003

CERTIFICATE OF EXPRESS MAILING TO COMMISSION OF PATENTS AND TRADEMARKS

Date of Mailing: March 6, 2008

I certify that the documents listed as follows:

- CD-ROM containing CRF Sequence Listing
- Return Receipt Postcard
- Certificate of Mailing
- Letter
- Amendment
- Copy of Postcard stamped as being received by the PCT/PTO on 1/8/07
- Notification of Missing Requirements mailed 1/31/2008 (in duplicate)


and the documents being resubmitted as follows:

- Transmittal form
- USPTO Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 12/12/2006
- Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- Declaration and Power of Attorney
- Amendment and Response to the Notification of Missing Requirements Under 35 U.S.C. 371
- Statement Accompanying Sequence Listing
- Written Sequence Listing
- Certificate of Mailing
- Copy of Return Receipt postcard mailed January 5, 2007

are being deposited with the United States Postal Service "Express Mail" service under 37 CFR §1.10 on the date indicated above in an envelope addressed to : United States Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

BOSE McKINNEY &amp; EVANS LLP

  
 Brenda Vandever

 Indianapolis, Indiana  
 (317) 684-5000

PATENT APPLICATION*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Group: Unknown

Atty. Docket: 12258-0072

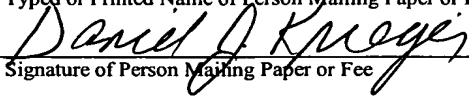
Applicants: Bressan, Ray A.

Invention: METHODS AND COMPOSITIONS  
TO INCREASE PLANT  
RESISTANCE TO STRESS

Serial No.: 10/556,669

Filed: November 14, 2005

Examiner: Unknown

<u>Certificate Under 37 C.F.R. 1.10</u>	
Express Mail Label No.:	<u>EV728657119US</u>
Mailed:	<u>March 6, 2008</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Daniel J. Krieger</u>	
Typed or Printed Name of Person Mailing Paper or Fee	
	
Signature of Person Mailing Paper or Fee	

LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

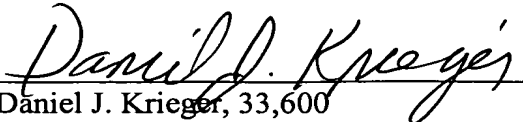
In response to the NOTIFICATION OF MISSING REQUIREMENTS mailed January 31, 2008, copies of which are enclosed, Applicant submits herewith a return postcard, an Amendment, a CD-ROM, a copy of a return postcard stamped as being received by the PCT/PTO on January 8, 2007, and copies of all previously submitted materials first submitted with the stamped return postcard.

The previously submitted materials were originally submitted in response to a Notification of Missing Requirements mailed December 12, 2006. These previously submitted materials are listed on the stamped return postcard as being received in the U.S. Patent Office on January 8, 2007. Applicants therefore believe that this prior submission satisfied the Notification of Missing Requirements of December 12, 2006.

The CD-ROM enclosed with this letter includes the CRF Sequence Listing. This CD-ROM is being resubmitted. Please charge any additional fees that may be due in connection with this Declaration to Bose McKinney & Evans LLP's Deposit Account No. 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS LLP

  
Daniel J. Krieger, 33,600

Indianapolis, Indiana  
(317) 684-5000

1107340\_1

12258 Rec'd PCT/PTO 08 JAN 2007

Mailed: January 5, 2007  
Applicant: Bressan, Roy A.  
Serial No.: 10/556,669  
Filed: April 7, 2004  
Title: METHODS AND COMPOSITIONS TO INCREASE PLANT  
RESISTANCE TO STRESS

Attorney Docket: 12258-0072

- Transmittal form (in duplicate)
- USPTO Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 12/12/2006
- Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate)
- Declaration and Power of Attorney
- Amendment and Response to the Notification of Missing Requirements Under 35 U.S.C. 371

Statement Accompanying Sequence Listing

- Sequence Listing / CD-ROM containing CRF Sequence Listing
- Certificate of Mailing
- Return Receipt postcard

JAN 18 2007  
Stamp of the Copyright Office - TX hereon indicates receipt of the above-identified document.

BOSE MCKINNEY & EVANS

1/16/07



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/556,669	FIRST NAMED APPLICANT Ray A. Bressan	ATTY. DOCKET NO. 12258-0072
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68208

BOSE MCKINNEY & EVANS, LLP  
2700 FIRST INDIANA PLAZA  
135 NORTH PENNSYLVANIA STREET  
INDIANAPOLIS, IN 46204

RECEIVED

FEB 7 2008

BOSE MCKINNEY & EVANS

INTERNATIONAL APPLICATION NO.

PCT/US04/10599

I.A. FILING DATE 04/07/2004	PRIORITY DATE 04/09/2003
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CONFIRMATION NO. 8560  
371 FORMALITIES LETTER



Date Mailed: 01/31/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/14/2005
- Preliminary Amendments filed on 11/28/2006
- Information Disclosure Statements filed on 02/14/2006
- Oath or Declaration filed on 11/14/2005
- U.S. Basic National Fees filed on 11/14/2005
- Priority Documents filed on 11/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice

published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

INDIA L EVANS

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Telephone: (703) 308-9140 EXT 212



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/556,669	FIRST NAMED APPLICANT Ray A. Bressan	ATTY. DOCKET NO. 12258-0072
---	---	--------------------------------

25267  
BOSE MCKINNEY & EVANS LLP  
JAMES COLES  
135 N PENNSYLVANIA ST  
SUITE 2700  
INDIANAPOLIS, IN 46204

**RECEIVED**

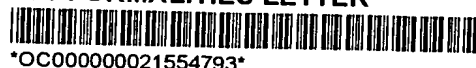
DEC 18 2006

BOSE MCKINNEY &amp; EVANS

INTERNATIONAL APPLICATION NO. PCT/US04/10599	
LA. FILING DATE 04/07/2004	PRIORITY DATE 04/09/2003

CONFIRMATION NO. 8560

371 FORMALITIES LETTER



\*OC000000021554793\*

Date Mailed: 12/12/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 11/14/2005
- Preliminary Amendments filed on 11/28/2006
- Information Disclosure Statements filed on 02/14/2006
- Oath or Declaration filed on 11/14/2005
- U.S. Basic National Fees filed on 11/14/2005
- Priority Documents filed on 11/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where

12/18/06



applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,669	PCT/US04/10599	12258-0072

**BOSE McKINNEY & EVANS LLP**

**CUSTOMER NUMBER 25267**

2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, Indiana 46204  
(317) 684-5000

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>Applicant:</i>	Bressan, Roy A.	}	<i>Attorney Docket:</i>	12258-0072
		}		
<i>Serial No.:</i>	10/556,669	}	<i>Group:</i>	Unknown
		}		
<i>Filed:</i>	April 7, 2004	}	<i>Examiner:</i>	Unknown
		}		
<i>Title:</i>	METHODS AND	}	<i>Confirmation No.:</i>	8560
	COMPOSITIONS TO	}		
	INCREASE PLANT	}		
	RESISTANCE TO STRESS	}		
		}		
<i>Int'l App. No.:</i>	PCT/US04/10599	}		
		}		
<i>Int'l Filing Date:</i>	April 7, 2004	}		
		}		
<i>Priority Date:</i>	April 9, 2003			

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed by the United States Patent and Trademark Office on December 12, 2006, the Applicant submits a Declaration and Power of Attorney executed by inventor Ray A. Bressan on November 29, 2005

Applicant also submits the following:

- a sequence listing in written form;
- a sequence listing in computer readable form on compact disk;

- an amendment specifically directing the sequence listing into the application; and
- a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (compact disc) sequence listing and does not include new matter.

Applicants respectfully request that any required fees associated with the filing of this response be charged to the deposit account of Bose McKinney & Evans, Deposit Account No. 02-3223. A duplicate copy of this response is enclosed for this purpose.

Applicants believe that this response and its submissions have satisfied the requirements under 35 U.S.C. 371 and respectfully requests that a filing receipt be issued for the U.S. national phase patent application.

Respectfully submitted,

BOSE McKINNEY & EVANS LLP

A handwritten signature in black ink, appearing to be 'Michael C. Bartol', written over a horizontal line.

Michael C. Bartol  
Registration No. 44,025

Indianapolis, Indiana 46204  
(317) 684-5000

832254\_1